

translation

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PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file
reference WO1512EGT

FOR FURTHER ACTION see Notification of Transmittal of International
Preliminary Examination Report (form PCT/IPEA/416)

International Appln. No.
PCT/JP03/05095

International filing date (day/month/year)
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26.04.02

International patent classification (IPC) or national classification and IPC
Int. Cl⁷ H01M8/02

Applicant

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1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets.

- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before the Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This REPORT contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand
27.10.2003

Date of completion of this report
02.03.2004

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I. Basis of the report

1. With regard to the elements of the international application (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):

- ☒ the international application as originally filed
- ☐ the description:
 - pages _____, as originally filed
 - pages _____, filed with the demand
 - pages _____, filed with the letter of _____
- ☐ the claims:
 - Nos. _____, as originally filed
 - Nos. _____, as amended (together with any statement under Article 19)
 - Nos. _____, filed with the demand
 - Nos. _____, filed with the letter of _____
- ☐ the drawings:
 - sheets/fig _____, as originally filed
 - sheets/fig _____, filed with the demand
 - sheets/fig _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 - pages _____, as originally filed
 - pages _____, filed with the demand
 - pages _____, filed with the letter of _____

2. With regard to the *language*, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b))
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3)).

3. With regard to any *nucleotide and/or amino acid sequence* disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____.
- ☐ the claims, Nos. _____.
- ☐ the drawings, sheet/fig _____.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box Additional observations below (Rule 70.2(c)).**

- V. The reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)

Claims 1-4 YES

Claims _____ NO

Inventive Step (IS)

Claims _____ YES

Claims 1-4 NO

Industrial Applicability (IA)

Claims 1-4 YES

Claims _____ NO

2. CITATIONS AND EXPLANATIONS (PCT Rule 70.7)

Document 1: JP 2002-50368 A (NOK Co., Ltd.) 2002.02.15; claims, Fig. 1

Document 2: JP 2002-75401 A (New Japan Steel Co., Ltd.) 2002.03.15; claims, Fig. 3

Document 3: JP 11-129396 A (Aisin Takaoka Co., Ltd.) 1999.05.18; claims, Figs. 1 - 10

Document 4: JP 10-255824 A (Toshiba Co., Ltd.) 1998.09.25; claims, Fig. 5

Claim 1

The invention as defined in claim 1 lacks inventive step over D1 and D2 cited in the International Search Report.

Document 2 shows a fuel cell separator having a central part made a metal member and a peripheral part made a resin member but fails to show an elastic member. However, Document 1 shows a fuel cell separator in which a resin member is connected to a metal member via an elastic member.

Claim 2

The invention as defined in claim 2 lacks inventive step over D1, D2 and D3 cited in the International Search Report.

Document 3 shows a projecting central seal part provided on an elastic member in such a manner as to surround a central part.

Claim 3

The invention as defined in claim 3 lacks inventive step over D1, D2 and D4 cited in the International Search Report.

Document 4 shows a fuel cell separator in which a projecting seal part is provided on a peripheral part thereof.

Claim 4

The invention as defined in claim 4 lack inventive step over D1, D2 and D3 cited in the International Search Report.

Document 3 shows an elastic member and a seal member formed integrally from a rubber material.